



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2304549
Applicant Name: Michael Slotemaker with Wireless Facilities, Inc.
Address of Proposal: 11045 8th Avenue Northeast

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future construction of a minor communication utility (Cingular Wireless) consisting of six (6) panel antennas on the roof of an existing apartment building. Project includes equipment cabinet to be located adjacent to a building at ground level.

The following approvals are required:

Administrative Conditional Use Review - to allow a minor communication utility in a Midrise Multi-Family Residential Zone pursuant to Seattle Municipal Code (SMC) 23.57.011B.

SEPA - Environmental Determination pursuant to Seattle Municipal Code (SMC) 25.05.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description

The proposal site is situated on the west side of 8th Avenue Northeast between Northeast Northgate Way and Northeast 116th Street in the Northgate area of North Seattle. The property contains a total area of approximately 70,132 square feet. The parcel and existing building are within a split zone district: the north half of the property is in the Lowrise 3 (L-3) zone and the south half of the property is in the Midrise (MR) zone. Development on the site consists of a nine (9) story Northaven retirement apartment complex where the northern portion of building is located below grade. The northern portion of the building located in the L-3 zone is an overall height of 75' measured from existing grade to the roof parapet which exceeds the 30' height

limit allowed for structures in that zone. The southern portion of the building, at 87.5' to the roof parapet plus an additional 13'-4" mechanical penthouse all exceeds the 60' MR zone height limit. However, the building is a legally non-conforming structure as it was built before these zoning designations were in effect. Both zones also are in the Northgate (NG) overlay district.

Currently, Sprint PCS and Skytel Paging have minor communication utilities on this site. DPD issued Master Use Permit (687614) to establish a minor communication utility and install 12 panel antennas on an existing mechanical penthouse. Currently Sprint has only six antennas mounted. DPD also granted Skytel Paging a minor communication utility to install one pole mounted panel antenna and one dish antenna also on the existing mechanical penthouse with associated mechanical equipment on the roof. Currently Skytel Paging has one omni antenna, one satellite dish and one GPS antenna all located near or on the mechanical penthouse near the center of the roof.

Surrounding Zoning and Uses

South: Commercial structures, NC-65 NG zone;

North: Multi-Family Residential, L-3 NG and L-4 NG zones;

East: Mix of residential and commercial structures, L-2 NG, L-3 NG and NC3-40 NG zones;

West: Multi-Family Residential, L-4 NG and MR NG zones

Proposal Description

The proposed project consists of the installation of a minor communication facility for Cingular Wireless. The facility will consist of three (3) sector antenna arrays ("A", "B" and "C") with two (2) six foot (6') antennas per sector projecting 8' above the roof of an existing residential building. Sector "B" antennas will be mounted to the south side of the existing stair penthouse on the roof and painted to match the building. Two sector antenna arrays ("A" and "C") consisting of two antennas each will be enclosed within fiberglass shrouds to resemble a vent stack and attached to the roof decking. The fiberglass shroud for sector "A" antennas will be located behind the east parapet façade wall and constructed 8' above the roof decking. Sector "C" antennas will be behind the west parapet façade wall and constructed 8' above the roof decking. All associated cabling will be located in cable trays affixed atop the roof and within a metal shroud mounted against the southwest exterior inset of the building and routed to the associated ground-related radio equipment. The associated radio equipment cabinets will be placed on a concrete slab against the west building façade and will be enclosed within a 7' high chain link fencing with barbed wiring and privacy slats to match the building's exterior. The antennas, cabling tray, metal shroud and fiberglass shrouds will be painted and constructed to match the appearance of the building.

Public Comments

No comments were received during the comment period which ended September 10th, 2003.

ADMINISTRATIVE CONDITIONAL USE CRITERIA AND ANALYSIS

Seattle Municipal Code (SMC) 23.57.011B provides that a minor communication utility, as regulated pursuant to SMC 23.57.002, may be permitted in a Midrise zone as an Administrative Conditional Use when they meet the development standards of SMC 23.57.011C and the following criteria, as applicable.

1. *The project shall not be substantially detrimental to the residential character of nearby residentially zoned areas, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.*

The proposed antennas will be located on the rooftop of that portion of the residential building that is located in the Midrise zone. According to the plans, the antennas will conform to codified development standards, visual impacts and design standards of SMC 23.57.011 and 23.57.016. The antennas will be screened by materials and colors consistent with the current exterior of the building and those antennas that are proposed to be mounted to the roof will be partially obscured by the existing roof parapet. For the antennas mounted on the existing stair penthouse, the screens are designed to blend in with the penthouse façade, thus providing for a facility that is the least intrusive design for this residentially zoned neighborhood.

Some views from neighboring residential structures may be altered by the presence of the facility. The applicant has provided photographic simulated evidence suggesting that the visual intrusions would be minor.

The proposed minor communication utility is not likely to be substantially detrimental to the residential character of the residentially zoned area, and the location of the panel antennas are the least visually intrusive location consistent with effectively providing service and minimizing impacts to the existing neighborhood. Neighbors and tenants of the host building will not likely know the facility exists, in terms of its land use, once it is constructed, and cell phone coverage in the area will be improved, which will be beneficial to users in the neighborhood.

Traffic will not be affected by the presence of the constructed facility. The antennas will not emit noise. According to the applicant, any noise associated with the equipment cabinet are estimated to be below the ambient levels allowed in the Midrise zone and will be shielded by the walls of the fence in which it is to be located. Thereafter, it is proposed that minimal noise will be associated with approximately one vehicle trip every six weeks to the site for maintenance. No dwelling units will be displaced in conjunction with this application. Thus, the proposal will not be substantially detrimental to the residential character of nearby residentially zoned areas.

2. *The visual impacts that are addressed in section 23.57.016 shall be mitigated to the greatest extent practicable.*

Subsection C of SMC 23.57.016 states, "...Facilities in a separate screened enclosure shall be located near the center of the roof, if technically feasible. Facilities not in a separate screened enclosure shall be mounted flat against existing stair and elevator penthouses or mechanical equipment enclosures and shall be no taller than such structures." Subsection F of this same section further state, "New antennas shall be consolidated with existing antennas and mechanical equipment unless the new antennas can be better obscured or integrated with the design of other parts of the building".

According to the applicant, Cingular Wireless originally tried to locate their proposed antennas on the existing mechanical penthouse, but due to space limitations and separation requirements, it was not possible. The applicant then investigated constructing a second penthouse south of the mechanical penthouse in which the future antennas would be housed in. But due to the building's age and initial structural design, the applicant's technical experts advised another solution be sought.

According to the plans submitted, two sector antenna arrays will be enclosed in fiberglass shrouds mounted on the roof and located 2' behind the west and east façade parapet wall; one sector antenna array will be mounted against an existing stairwell penthouse and painted to match the existing exterior wall. This design was selected to reduce the overall height of the antennas support structure, and in turn, reducing the visual impact and construction constraints on the existing building. By keeping the antenna closer to the edge of the building, substantial signal loss due to a lack of edge clearance is avoided. Technical documentation was provided by a Cingular Wireless RF engineer substantiating the proposed design. Therefore, the proposal complies with this criterion.

3. *Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:*
 - a.) *the antenna is at least one hundred feet (100') from a MIO boundary, and*
 - b.) *the antenna is substantially screened from the surrounding neighborhood's view.*

The proposed site is not located within a Major Institution Overlay District. Therefore, this criterion does not apply to the subject proposal.

4. *If the minor communication utility is proposed to exceed the zone height limit, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.*

This retirement facility is a legally non-conforming nine (9) story structure that exceeds the height limit of the L-3 zone by approximately 45' and the MR zone by over 40'. The proposed height of the antennas, 8', is below the 10' height allowed per SMC 23.45.050.D.5.e. The proposed minor communication utility will not exceed any portion of the existing structure.

The location and size of the Northaven building are optimal for siting a minor communication facility. Per the applicant, the proposed design takes into account the gradual changes in elevation in the targeted area-Northgate. The proposed site location is close to the target area and has sufficient height to mount the cell site antennas to have an unobstructed view of the intended coverage area as shown on the applicant's propagation maps. The building's non-conforming height feature creates the opportunity for maximizing the coverage area of the installation and thus, reduces the number of similar facilities needed in the surrounding areas.

5. *If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a*

building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.

The proposed minor communication utility will not be a new freestanding transmission tower. Therefore, this criterion does not apply to the subject proposal.

SUMMARY

The proposed project is consistent with the Administrative Conditional Use criteria of the City of Seattle Municipal Code as it applies to wireless communication utilities. The facility is minor in nature and will not be detrimental to the surrounding area while providing needed and beneficial wireless communications service to the area.

The proposed project will not require the expansion of public facilities and services for its construction, operation and maintenance. The site will be unmanned and therefore will not require waste treatments, water or management of hazardous materials. Once installation of the facility has been completed, approximately one visit per month would occur for routine maintenance. No other traffic would be associated with the project.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The Conditional Use application is **CONDITIONALLY APPROVED** as noted below.

SEPA ANALYSIS

The initial disclosure of the potential impacts from this project was made in the environmental checklist dated July 30, 2003. The information in the checklist, applicant's statement of Federal Communication Commission Compliance, supplemental information and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

Many environmental concerns have been addressed in the City's codes and regulations. The SEPA Overview Policy (SMC 25.05.665) discusses the relationship between the City's code/policies and environmental review. The Overview Policy states, in part, "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulation are adequate to achieve sufficient mitigation*" subject to some limitations. It may be appropriate to deny or mitigate a project based on adverse environmental impacts in certain circumstances as discussed in SMC 25.05.665 D1-7. In consideration of these policies, a more detailed discussion of some of the potential impacts is appropriate.

Short - Term Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; consumption of renewable and non-renewable resources. These impacts are expected to be very minor in scope and of very short duration considering the installation process. No conditioning pursuant to SEPA is warranted.

Construction and Noise Impacts

Codes and development regulations applicable to this proposal will provide sufficient mitigation for most impacts. The initial installation of the antennas and construction of the equipment room may include loud equipment and activities. This construction activity may have an adverse impact on nearby residences. Due to the close proximity of nearby residences, the Department finds that the limitations of the Noise Ordinance are inadequate to appropriately mitigate the adverse noise impacts associated with the proposal. The SEPA Construction Impact policies, (SMC 25.05.675.B) allow the Director to limit the hours of construction to mitigate adverse noise and other construction-related impacts. Therefore, the proposal is conditioned to limit construction activity to non-holiday weekday hours between 7:30 a.m. and 6:00 p.m.

Long - Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal, namely increases in demand for energy and increased generation of electromagnetic radiation emission. These long-term impacts are not considered significant or of sufficient adversity to warrant mitigation. However, due to the widespread public concerns expressed about electromagnetic radiation, this impact is further discussed below.

The Federal Communications Commission (FCC) has been given exclusive jurisdiction to regulate wireless facilities based on the effects of electromagnetic radiation emissions. The FCC, the City and County have adopted standards addressing maximum permissible exposure (MPE) limits for these facilities to ensure the health and safety of the general public. The Seattle-King County Department of Public Health has reviewed hundreds of these sites and found that the exposures fall well below all the maximum permissible exposure (MPE) limits. The Department of Public Health does not believe these utilities to be a threat to public health.

The City is not aware of interference complaints from the operation of other installations from persons operating electronic equipment, including sensitive medical devices (e.g. - pacemakers). The Land Use Code (SMC 23.57.012C2) requires that warning signs be posted at every point of access to the antennas noting the presence of electromagnetic radiation. In the event that any interference were to result from this proposal in nearby homes and businesses or in clinical medical applications, the FCC has authority to require the facility to cease operation until the issue is resolved.

The information discussed above, review of literature regarding these facilities, and the experience of the Departments of Planning and Development and Public Health with the review of similar projects form the basis for this analysis and decision. The Department concludes that no mitigation for electromagnetic radiation emission impacts pursuant to SEPA policies is warranted.

Other long term impacts such as height, bulk and scale, traffic, and air quality are minor and adequately mitigated by the City's existing codes and ordinances. Provided that the proposal is constructed according to approved plans, no further mitigation pursuant to SEPA is warranted.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this

declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

ADMINISTRATIVE CONDITIONAL USE CONDITIONS

For the Life of the Permit

1. Screening shall be integrated with architectural design, material, shape and color of the existing building.
2. Screening for the equipment shelter shall be integrated with the architectural design, material, shape and color of the existing building.

CONDITIONS - SEPA

During Construction

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DCLU. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

In order to further mitigate the noise impacts during construction, the hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DCLU to allow work of an emergency nature or allow low noise interior work. This condition may also be modified to permit low noise exterior work after approval from the Land Use Planner.

Signature: (signature on file) Date: March 1, 2004
Tamara Garrett, Land Use Planner
Department of Planning and Development